

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Basir et al. Art Unit: 2612
Serial No.: 10/824,190 Examiner: Crosland, Donnie L.
Filed: 04/14/2004 Confirmation No.: 5887
Title: EVENT-DRIVEN CONTENT PLAYBACK SYSTEM FOR VEHICLES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ARGUMENT

The Examiner has provisionally rejected claims 1-28 for obviousness-type double patenting over co-pending application 11/619,202. Upon an indication that at least some claims in this application and the co-pending application are allowable, Applicant will file a terminal disclaimer.

The claims generally relate to a user-customizable vehicle notification system including storage for storing at least one audio file on a vehicle and associating each at least one audio file with activation of a vehicle function. The system further includes an audio player for selectively playing the at least one audio file upon activation of the associated vehicle function.

For example, in one embodiment, a control unit stores user-selected audio clips (such as mp3s of a short sample of music) and associates a clip with a vehicle function, such as “unlocking the doors.” The control unit is tied to the remote keyless entry (RKE) and/or vehicle security system and uses the RKE wireless buttons as playback triggers for the content. When the user unlocks the doors, the control unit plays the audio clip.

Rejection under §103 over Kolls

Claims 1-28 have been rejected as obvious over Kolls (US 6,389,337). Applicant is appealing the rejection of claims 4-6, 9-11, 15-16, 18-20 and 26-28. Claim 1 recites:

1. A user-customizable vehicle notification system comprising:
storage for storing at least one audio file on a vehicle and associating each at least one audio file with activation of a vehicle function; and
an audio player for selectively playing the at least one audio file upon activation of the associated vehicle function.

The Examiner indicates that “claims 2-7 are realized in Figure 4 and related disclosure [of Kolls].” Applicant respectfully disagrees.

Claim 4

Claim 4 depends from claim 1 and further recites, “a user interface for associating the at least one audio file with the vehicle function.” This permits the user to choose which audio files to associate with the vehicle function.

Kolls does not provide any user interface for associating the audio file with the vehicle function. Kolls states that “pre-recorded audio data can include instructional prompts and sounds, as well as warning prompts and other sounds” (col. 27, lines 11-14), but Kolls only states that this pre-recorded audio data is played. There is no ability to associate the audio data with a user interface and no ability for the user to make the association. The Examiner argues that this is disclosed in Figure 4; however, there is no indication in Kolls of any user interface for associating an audio file with a vehicle function.

In the Advisory Action, the Examiner argues that Figure 18 of Kolls shows a user interface. According to Kolls, Figure 18 “shows an internet based audio and video server routine 1700 flowchart.” The user interfaces in Figure 18 are for changing playlists of songs for the user to listen

to from the audio server (for example), but do not associate an audio file with a vehicle function.

Claim 5

Claim 5 depends from claim 4 and recites, “wherein the user interface further provides for the selection of the at least one audio file over a wide area network.” This is not described in Koll at all. There is no description of a user interface that permits a user to select an audio file over a wide area network and then (per claim 4) associate it with a vehicle function.

Claim 6

Claim 6 depends from claim 5 and further recites, “the user interface is provided on a user’s computer.” Kolls does not describe a user interface on a user computer (per claim 6) that provides for selection of an audio file over a wide area network (per claim 5) and then associate it with a vehicle function (per claim 4).

Claim 9-11

Claim 9 also recites “a user interface for associating the at least one audio file with the vehicle function,” which is not disclosed by Kolls. The Examiner simply states “Claims 9-14 are shown by Kolls,” without explanation or citation. Claims 10 and 11 are similar to claim 5 and 6 in that they require selection over a wide area network with a user computer.

Claim 15

Claim 15 recites that “the associated vehicle function is the locking of a remote keyless entry system.” The Examiner argues that this would be obvious over the “pager” that is disclosed by Kolls. This is not a prima facie case of obviousness, as there is no indication of how or why a pager would make a remote keyless entry system obvious. Additionally, there is no pager function that would trigger the playback of an associated audio file, so this rejection is not understood.

Claim 16

Claim 16 recites, “the associated vehicle function is an alarm on a security system.” The Examiner references the flowchart of Figure 8B, box 726, of Kolls. Box 726 of Kolls states that, “...alarm conditions can be data communicated to a COM Device 100, an in-vehicle device 200, an internet server, an internet appliance, the police, a user, or an appropriate agency.” Box 726 does *not* say that alarm conditions can be communicated to the audio playback system 224, or that an audio file can be selected by the user to be played by the audio playback system 224.

Claim 17 is an independent method claim. Claim 17 recites:

17. A method for playing an audio file including the steps of:
- a) selecting an audio file;
 - b) storing the selected audio file on a vehicle;
 - c) associating the selected audio file with a vehicle function; and
 - d) playing the selected audio file based upon activation of the vehicle function.

Claim 18

Claim 18 recites, “wherein step a) further includes the step of: e) accessing the audio file from a computer over a wide area network,” which as explained above, is not disclosed by Kolls. To the extent Kolls discloses accessing an audio file over a WAN, that audio file is not associated with a vehicle function, or played based upon activation of the vehicle function as claimed (from claim 17).

Claim 19

Claim 19 depends from claim 18 and further recites, “f) sending the selected audio file wirelessly to the vehicle after said step a).” Kolls does not disclose sending an audio file wirelessly, where that audio file is associated with a vehicle function and played based upon activation of the vehicle function.

Claim 20

Claim 20 depends from claim 19 and further recites, “sending the selected audio file wirelessly from the computer to the vehicle.” Kolls does not disclose sending an audio file wirelessly from a computer which has accessed the audio file over a WAN, which audio file is then associated with a vehicle function.

Claims 26-28

New dependent claims 26-28 were not specifically addressed in the final rejection. Claims 26 and 27 recite that the “vehicle function is the locking of a remote keyless entry system,” which, as explained above with respect to claim 15, is not disclosed by Kolls and not obvious over the pager disclosed by Kolls.

Claim 28 recites, “the storage permits modification by a user of the associating of the each at least one audio file with activation of a vehicle function.” This is not disclosed by Kolls. The Examiner has not explained the obviousness rejection of this claim, including whether the Examiner believes this limitation is found in Kolls or obvious in light of Kolls.

Respectfully Submitted,

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 60449-099									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/824,190		Filed 04/14/2004								
	First Named Inventor Basir										
	Art Unit 2612		Examiner Crosland, Donnie L.								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top;">/John E. Carlson/ _____ Signature</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top;">John E Carlson _____ Typed or printed name</td></tr><tr><td style="vertical-align: top;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37794</u></td><td style="vertical-align: top;">248.988.8681 _____ Telephone number</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top;">2/20/2009 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/John E. Carlson/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	John E Carlson _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37794</u>	248.988.8681 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	2/20/2009 _____ Date
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